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Attorneys for Plaintiff
JOHN MCCLUSKEY

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SAN JOSE DIVISION

E-FILED - 4/20/05

JOHN MCCLUSKEY,) CASE NO. C04-02634 RMW

Plaintiff,

vs.

AVNET, INC., a Corporation; and DOES 1 to 50, inclusive.

**STIPULATION AND REQUEST FOR
DISMISSAL WITH PREJUDICE
AND ORDER**

Defendants.

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure and a settlement reached by the parties, Plaintiff John McCluskey and Avnet, Inc., through their counsel, hereby stipulate to and request a dismissal with prejudice of this entire action, including any and all claims and causes of action alleged against any and all Defendants, with each party to bear its own attorneys' fees and costs.

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**STIPULATION AND REQUEST FOR
DISMISSAL WITH PREJUDICE**

CASE NO. C04-02634 RMW

1 IT IS SO STIPULATED.
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3 DATED: April 4, 2005

KELLY, HERLIHY & KLEIN LLP

5 _____ /s/ Jonathan Allan Klein
6 JONATHAN ALLAN KLEIN
7 JOSHUA M. HENDERSON
Attorneys for Plaintiff
JOHN MCCLUSKEY

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9 DATED: April 4, 2005

THOITS, LOVE, HERSHBERGER & McLEAN

11 _____ /s/ Jeffrey A. Snyder
12 JEFFREY A. SNYDER
13 Attorneys for Defendant
AVNET, INC.

14 IT IS SO ORDERED.
15
16
17 Dated: 4/20/05

/S/ RONALD M. WHYTE

18 _____ JUDGE RONALD M. WHYTE
19 Judge of the United States District Court,
Northern District of California